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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

DN 96-006 D1
MJP/MJH

In re application of:

Donald K. Drummond

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Application No.: 09/826062

:

Group No.: 1731

Filed: 04/04/2001

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Examiner: F. Varcoe Jr.

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APR 10 2002

OFFICE OF PETITIONS

For: THE USE OF CALCIUM CARBONATE IN AN ACIDIC AQUEOUS MEDIA

Assistant Commissioner for Patents
Washington, DC 20231Petition under 37 CFR 1.53(e)

Sir:

This Petition is in response to the Notice of Incomplete Nonprovisional Application dated January 28, 2002. A one month extension fee is believed due for the filing of this amendment. Should any additional fees be required, however, please charge such fees to Minerals technologies Inc. Deposit Account No. 13-3639.

Applicant asserts the drawings are not necessary for a filing date. Applicants respectfully request Examiner to reconsider the application in view of the following remarks and to enter the Drawings into the Specification.

REMARKS

Applicant contends no drawings are necessary for the understanding of the subject matter sought to be patented. Nor are the drawings necessary for interpretation of the scope of any claim.

It has been PTO practice to treat an application that contains at least one process or method

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claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence). The same practice has been followed in composition applications (MPEP 601.01(f), third paragraph).

Claim 1 and Claims 17-23 are directed to an acid-stabilized calcium carbonate slurry for use in making acid paper. Claims 21-23 are methods of using or making the acid-stabilized slurry. Claim 24 is directed to a filled acid paper. All of the claims of the Applicant's invention fall within the categories as not needing drawings.

In addition, Figure 1 through Figure 4 are adequately described in the Specification in Example 1 through Example 4 respectively, to allow one of ordinary skill in the art to understand the invention. Therefore, Applicant contends no new matter is being added to the Specification.

Therefore, Applicant requests attached drawings Figure 1, Figure 2, Figure 3 and Figure 4 be admitted into the specification while maintaining the original filing date of April 4, 2001.

CONCLUSION

Should the Examiner not agree with the Applicants' position, then a personal interview is respectfully requested to discuss any remaining issues and expedite the eventual allowance of the application.

No fee is believed due for the filing of this amendment. Should any fees be required, however, please charge such fees to Minerals technologies Inc. Deposit Account No. 13-3639.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Marvin J. Powell', written over a horizontal line.

Marvin J. Powell

Registration No. 29,840

Attorney for Applicant